

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMERICAN CIVIL LIBERTIES UNION,)	
<i>et al.</i> ,)	
)	
Plaintiffs)	
)	
v.)	Civil Action No.
)	98-CV-5591
ALBERTO R. GONZALES, in his official)	
capacity as Attorney General of)	
the United States.)	
)	
Defendant.)	

**DEFENDANT’S UNOPPOSED MOTION FOR LEAVE TO FILE
AMENDED MOTION FOR PROTECTIVE ORDER**

Pursuant to Local Rule 7.1, Defendant, the Attorney General of the United States, by and through his undersigned attorneys, moves for leave to file an amended motion for protective order to prevent plaintiffs from compelling the testimony of a Department official as an adverse witness at trial. Due to a scrivener’s error, the last argument of the supporting memorandum was accidentally deleted. Accordingly, defendant seeks leave of court to file an amended motion with a complete supporting memorandum. The Amended Motion, together with Supporting Memorandum and Certificate of Service, as well as Supporting Declaration, and Proposed Order, are attached to this motion.

CONCLUSION

For the foregoing reasons, this Court should grant defendant’s unopposed motion for leave to file an amended motion for protective order.

CERTIFICATION

Undersigned counsel hereby certifies that the parties, after reasonable effort, are unable to resolve this dispute.

Dated: October 23, 2006

Respectfully Submitted,

PETER D. KEISLER
Assistant Attorney General

PATRICK L. MEEHAN
United States Attorney

RICHARD BERNSTEIN
Assistant U.S. Attorney

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RAPHAEL O. GOMEZ
Senior Trial Counsel

/s/ James D. Todd, Jr.
JAMES D. TODD, JR.
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Civil Division, Federal Programs Branch
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2006, a copy of Defendants' Unopposed Motion for Leave to File Amended Motion for Protective Order, together with Proposed Order, was filed with the Court's ECF system, through which a copy will be sent to:

Aden Fine
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004

Attorney for Plaintiffs

/s/ James D. Todd, Jr.
JAMES D. TODD, JR.